

As noted previously, Applicant appreciates the Examiner's thorough examination of the subject application.

Claims 81-88 and 90-105 are pending in the application. In the Office Action mailed 16 October 2008 for the subject application, claims 81-88 and 90-105 were rejected on various statutory grounds, as described in further detail below.

By the present amendment, claims 81 and 98 are amended. No new matter has been added. The Applicant requests reconsideration and further examination of the subject application based on the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 81-85, 90, and 98-102

Concerning items 1-2 of the Office Action, claims 81-85, 90, and 98-102 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,341,255 to Lapidot '255 et al. ("Lapidot '255") in view of U.S. Patent No. 6,545,637 to Krull et al. ("Krull"). Applicant traverses the rejection and asks for reconsideration for the following reasons.

For a rejection under 35 U.S.C. § 103(a), the cited reference(s) must teach or suggest each and every limitation of the claim(s) at issue and proper motivation must exist to combine or modify the teachings of the references in the way proposed for the rejection. Stated another way, a conclusion of obviousness requires that the reference(s) relied upon be enabling in that it/they put the public in possession of the claimed invention and proper motivation must exist to combine or modify the teachings of the reference(s) in the way proposed by the Examiner.

At least one of these requirements are not met in this case, as will be explained. In particular (and without acceding the propriety of the motivation proffered by the Examiner), the cited references fail to teach or suggest each and every limitation of the claims at issue including, e.g., "real time data" and/or a "traffic matrix" as recited in amended independent claims 81 and 98.

According to amended claim 81 (representative of the independent claims of the application), the step of forming the plurality of route results comprises creating a matrix of vehicle speeds, wherein vehicle speeds over each segment are recorded with specific times of day such that speeds are divided into a plurality of separate time of day intervals. Hence, vehicle speeds are recorded with specific times of day and the speeds are divided into separate "time buckets" throughout the day, where each time bucket may be a five or fifteen minute interval, or whatever time interval is appropriate. See page 16, lines 24-29 of the description as filed.

For the claimed invention, data corresponding to each time bucket forms historic data, and the historic data is stored in a rapid access matrix in a database, where the lowest level of detail is the speed of a particular type of vehicle on a specific road length at a particular time on a particular day and day of the week. According to the present invention, sufficient historic data may be aggregated and, after validation, used to forecast trends and create predictions of future vehicle speeds.

As stated in amended claim 81, there is also provided a step of "receiving real time traffic data relating to real time vehicle location from a plurality of vehicle bound probes and other sensory data to ensure and maintain accuracy of segment results". In other words, there is an inflow of real-time data used to update the matrix to make sure it remains at its most accurate. See page 16 lines 8-10.

Furthermore, amended claim 81 provides a step of "verifying real time traffic data wherein verifying comprises correlation of said real time data with data stored in the rapid access means and other received sensory data". In other words, the received real-time traffic data is verified using the above-described historical data (i.e. time buckets of data stored in the rapid access means), as well as other sensory data. See page 18, lines 12-15. Hence, the real-time traffic data is cleansed and validated such that the matrix is only updated with the most accurate real-time data. This improved data verification enables particularly accurate journey planning and traffic information.

Independent claims 81 and 98 are novel over Lapidot '255 because the reference does not disclose (or suggest) creating a matrix of vehicle speeds, wherein vehicle speeds over each segment are recorded with specific times of day such that speeds are divided into a plurality of separate time of day intervals. In addition, Lapidot '255 does not disclose (or suggest) receiving real time traffic data relating to real time vehicle location from a plurality of vehicle bound probes and other sensory data to ensure and maintain accuracy of segment results, and verifying the real time data wherein verifying comprises correlation with data stored in the rapid access means and other received sensory data.

The secondary reference, Krull discloses a route planning system and device in which the real-time location and speed of a vehicle is continuously updated using GPS (col. 3 l. 38-52). This does not appear to be any more relevant than the state of the art that is acknowledged in the background section on page 3 of the subject application, which describes the use of GPS to detect a vehicle location for use in the "floating vehicle data" (FVD) technique. Moreover, Krull is not understood as teaching a matrix as recited in Applicant's claims.

Referring to page 4 of the Office Action, the Examiner states that Krull "discloses verifying the current position of a vehicle (i.e., real time data)". In view of this comment, it seems that the Examiner is interpreting "real-time data" of the independent claims to be nothing more than the real-time location of a vehicle as determined by a GPS system.

To clarify that "real time data" of Applicant's claimed invention relates to more than merely the location of a vehicle, independent claims 81 and 98 are amended herein to define "real time traffic data". On this point, Applicant notes that "real time data" as defined in the claims is not merely the location of a vehicle, but the traffic conditions in the vehicle's location, as is apparent from, for example, the last 3 bullet points on pages 13-14 of the subject application, which disclose:

integrating real time data to estimate a delay time at a particular traffic congestion event;

integrating real time data to estimate time of arrival before or during a particular journey;

and

integrating real time data to determine the quickest route before or during a particular journey

In view of the foregoing amendments and remarks, it is evident that Lapidot '255 and Krull (alone or together) fail to teach or suggest a matrix or "real time data" as per Applicant's claims, e.g., amended claims 81 and 98.. Thus, the cited references (whether considered alone or in any combination) form an improper basis for a rejection of claims 81-88 and 90-105 under 35 U.S.C. § 103(a), and Applicant requests the rejections be withdrawn accordingly.

Claims 86, 91, 95, 96, and 103

Concerning item 3 of the Office Action, claims 86, 91, 95, 96, and 103 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull, both previously discussed, in further view of U.S. Patent Application No. US 2003/0135304 to Sroub et al. ("Sroub"). Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Sroub is not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claims 81 and 98, from which claims 86, 91, 95, 96, and 103 depend. Thus, the rejection of claims 86, 91, 95, 96, and 103 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Claims 87 and 104

Concerning item 4 of the Office Action, claims 87 and 104 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull in further view of Sroub, all described previously, and in further view of U.S. Patent No. 6,317,686 to Ran ("Ran") and Examiner's Official Notice. Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Ran and the Examiner's Official Notice are not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claims 81 and 98, from which claims 87 and 104 depend. Thus, the rejection of claims 87 and

104 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Claims 88 and 105

Concerning item 5 of the Office Action, claims 88 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull, both described, and in further view of U.S. Patent No. 5,465,088 to Braegas ("Braegas"). Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Braegas is not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claims 81 and 98, from which claims 88 and 105 depend. Thus, the rejection of claims 88 and 105 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Claim 92

Concerning item 6 of the Office Action, claim 92 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull in further view of Sroub, all described, and in further view of Grubbs Test for Outliers ("Grubbs Test for Outliers") cited in a previous Office Action. Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Grubbs Test for Outliers is not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claims 81 and 98, from which claim 92 depends. Thus, the rejection of claim 82 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Claims 93 and 94

Concerning item 7 of the Office Action, claims 93 and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull and in further view of Sroub and Ran, all described previously. Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Sroub and Ran are not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claim 81, from which claims 93 and 94 depend. Thus, the rejection of claims 93 and 94 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Claim 97

Concerning item 8 of the Office Action, claim 97 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapidot '255 in view of Krull, in further view of Sroub, all cited previously, and in view of U.S. Patent No. 6,490,519 to Lapidot et al. ("Lapidot '519"). Applicant traverses the rejection and asks for reconsideration as, without acceding to any assertions made for the rejection, Sroub and Lapidot '519 are not understood as teaching the deficiencies of Lapidot '255 and Krull as described previously for claim 81, from which claim 97 depends. Thus, the rejection of claim 97 under 35 U.S.C. § 103(a) is improper and should be withdrawn accordingly.

Conclusion

For the reasons stated above, Applicant respectfully submits that all claims under consideration in the pending application are in condition for allowance, and a timely Notice of Allowance is requested accordingly. Please charge any fees that may be due, or credit any overpayment, to Deposit Account Number 50-1133. The Examiner is invited to telephone the undersigned attorney to discuss any aspect of the subject application or this paper.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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/G. Matthew McCloskey/
G. Matthew McCloskey, Reg. No. 47,025
Attorney for Applicant
28 State Street
Boston, Massachusetts 02109-1775
Tel. (617) 535-4082
Fax: (617) 535-3800